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August 26, 2022

VIA ECF

United States District Court
Southern District of New York
Honorable John P. Cronan
500 Pearl St., Room 1320
New York, NY 10007

Re: *Vekaria v. MThree Corporate Consulting, Ltd. et al.*
Case Number: 1:22-cv-03197-JPC-JLC

**Letter Motion to Extend Time to Serve MThree Individual Defendants and to File
Affirmation of Service for Richard Chapman**

Dear Judge Cronan:

Plaintiff hereby requests a further extension of time to serve three of the individual defendants in this case, Alex Headley, Benjamin Town, Thomas Seymour (the “MThree Individual Defendants”), each of who are believed to reside and work in the United Kingdom for Defendants MThree Corporate Consulting, Ltd. (“MThree”) and/or John Wiley & Sons, Inc. (“Wiley”). In addition, Plaintiff respectfully requests an extension of time to file an Affidavit of Service for Richard Chapman, who was personally served on August 25, 2022, by a process server at the business office of corporate defendant ECI Partners LLC (“ECI”) in London.

Further to my prior letter motion to the Court, we have engaged in extensive efforts to locate the individual defendants in the United Kingdom and seek to serve them. This has entailed, without limitation, the following:

1. We have engaged in further efforts to attempt to locate the individual defendants in the United Kingdom. Based on our research, it appears that Messrs. Headley, Town, and Seymour are employed by MThree and/or Wiley, and that Mr. Chapman is a partner of ECI, and that each of them are based in London.
2. We retained a process server in London, Tremark Associates Limited, to attempt service on each of the four individual defendants. The process server has advised us that service on the MThree Individual Defendants would be particularly difficult, describing the offices in the London area of Canary Wharf “like a fortress” and that “security are not helpful” to process servers.

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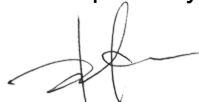
3. Earlier this month, I sent email correspondence to Kevin Kim, Esq., counsel of record for MThree and Wiley, requesting his assistance to coordinate service on the three MThree Individual Defendants in London. I also sent email correspondence to Natasha Winter, Esq.¹, with a copy to Richard Wise and Marc Field from Ms. Winter's law firm, informing her that ECI was served in May, but that ECI has not entered an appearance in the case, and requesting her response as to whether she will be representing ECI and Mr. Chapman. Unfortunately, I received no response at all from either Attorney Kim or Attorney Winter to my correspondences.
4. As of this morning, the process server in London has advised that Mr. Chapman was personally served on August 25, 2022, and that they would be providing further updates as to the MThree Individual Defendants, who have not been served yet.

Since these individual defendants appear to be residing in the United Kingdom, it is my understanding that service on them is governed by Federal Rule of Civil Procedure 4(f), as opposed to 4(m). As such, service is governed by the reasonable diligence standard under Rule 4(f), and not the time limitations as found in Rule 4(m), and it is our position that the time for service on these four individual defendants has not yet lapsed in accordance with FRCP Rule 4(f). We wish to inform the Court that it is in our client's sincere interest to serve them as soon as possible and secure their participation in this case to allow for the case to proceed timely.

In any event, and based on the foregoing reasons, we respectfully request an extension through September 30, 2022, to continue our efforts to effectuate service on the three MThree Individual Defendants and file an Affirmation of Service for Mr. Chapman, which we anticipate being completed and filed in the near term.

I thank the Court and Your Honor for your courtesies.

Respectfully submitted,



Travis Tatko

The request is granted. The deadline to serve the three MThree Individual Defendants is extended to September 30, 2022. Plaintiff shall file the Affirmation of Service for Mr. Chapman by September 6, 2022.

SO ORDERED.
Date: August 29, 2022
New York, New York



JOHN P. CRONAN
United States District Judge

¹ Please note that Ms. Winter served as counsel to ECI during pre-litigation discussions.